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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/669,313 07/08/96 KANEMITSU

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EXAMINER

QM32/0710

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ART UNIT

PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 32

Application Number: 08/669,313
Filing Date: July 8, 1996
Appellant(s): Toshiaki Kanemitsu et al.

Felix J. D'Ambrosio
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed May 7, 2001.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

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A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is deficient because it fails to completely describe the invention as recited in the appealed claims. In particular, in addition to the steps set forth in the summary of the invention contained in the appeal brief, appealed Claim 5 requires the step of initially forming the workpiece from a flat disc into a profile having a base plate, a stepped portion and a flange portion connecting the stepped portion with the outer periphery. Such profile is shown in Figures 1 and 7 as base plate 12, stepped portion 14 and flange portion 13.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

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The rejections of independent Claim 5 and dependent Claim 6 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,396,787

Kanemitsu et al.

3-1995

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 5 is rejected under 35 U.S.C. 102(b) as anticipated by Kanemitsu et al. This rejection is set forth in prior Office action, Paper No. 29, Paragraph 3.

Claim 6 is rejected under 35 U.S.C. 103(a) as being obvious in view of Kanemitsu et al. This rejection is set forth in prior Office action, Paper No. 29, Paragraph 4.

(11) *Response to Argument*

Claim 5 recites a method of roll-forming a thickened peripheral wall in a sheet metal workpiece. Initially a flat sheet member is formed into a profile having a base plate, a stepped portion and a flange. The profiled member is clamped between top and bottom tools and

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recessed rollers are sequentially applied radially inwardly to progressively thicken a rear side of the flange portion ending in the formation a cylindrical shape concentric with the base plate.

Kanemitsu et al. discloses roll-forming a thickened peripheral wall in a sheet metal workpiece, and advises that the initial profile may be a disc-like plate, as shown in Figure 3, or flanged cup-shaped member, as shown in Figure 4. It is noted that the cup-shaped member of Figure 4 comprises a base plate as a bottom, a stepped portion forming the side wall and a flange portion forming the outer periphery. Figures 2A and 2B show the initial workpiece inserted and clamped between top and bottom rotary tools as grooved rollers are sequentially pressed radially inwardly against the outer periphery in order to progressively thicken the rear of the flange portion. The roll-shaping ends with the formation of cylindrical wall 14 seen in Figure 1E. Thus the each of steps recited in Claim 5 is seen to be disclosed in Kanemitsu et al.

Applicant's argument is that Kanemitsu et al. fails to state how the cup-shaped profile of Figure 4 is formed. However, appealed Claim 5 does not require the initial profile to be formed in any particular manner other than "holding the sheet metal member and forming". Clearly the cup-shaped profile of Kanemitsu et al. Figure 4 has been formed in some manner. In column 5, lines 52 and 53 Kanemitsu et al. suggests that a disc-like plate member can be "bent and formed" into a cup shape. One skilled in the art would readily perceive numerous conventional arrangements to bend and form a plate member into a cup-shaped profile, all of which would involve holding the plate member in some manner, such as in the dies of a

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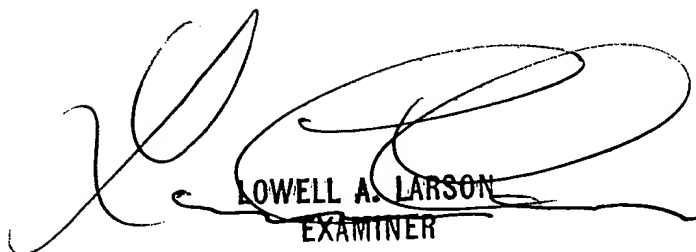
cupping press. Thus, from the viewpoint of one skilled in the art Kanemitsu et al. would be considered to disclose initial formation of the workpiece by holding and forming as least to the extent required by Claim 5.

Claim 6 requires the flange portion of the workpiece to inclined relative to the base plate portion. Such inclination is considered to be an obvious exercise of design depending merely on the characteristics desired in the product, and has no effect on the manipulative steps of the invention. Applicant has presented no separate arguments directed to the rejection of Claim 6.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

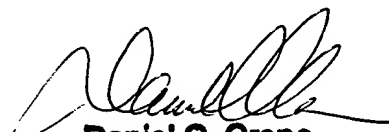

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